

Amendment
Serial No. 10/773,300
Attorney Docket No. 042079

REMARKS

Claims 1-8 are pending in the present application. Claims 1-4 are rejected. Claims 1, 3 and 4 are herein amended. Claim 2 is herein cancelled without prejudice.

Applicant's Response to Claim Rejections under 35 U.S.C. §112

Claims 1-4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is the position of the Office Action that the phrases “in a longitudinal direction” and “an entire longitudinal direction” in claims 1 and 4 are indefinite, since the claims lack a reference frame. Because Applicant was unclear as to what aspect of the claims the Office Action believed were indefinite, Applicant’s representative contacted the Examiner in a brief telephone conversation.

In Applicant’s representative’s conversation with the Examiner, the Examiner appeared to agree that if the claims were amended to require that the corrugation is in the same direction as the arrangement of the balls, the claims would be sufficient clear. Accordingly, Applicant herein amends claim 1 to require “a metal plate member rotatably holding a series of rolling members arranged in a longitudinal direction of said metal plate member, said metal plate member having a corrugated-shape in a cross-section in the longitudinal direction.” Applicant respectfully submits this amended claim 1 is sufficiently definite. Accordingly, for consistency and clarity, Applicant also herein amends claim 4 to recite that the peak and valley portions are formed along

Amendment
Serial No. 10/773,300
Attorney Docket No. 042079

“a whole of the longitudinal direction” of the belt. Applicant respectfully submits that these amendments do not raise new issues requiring further search or consideration, as the merely clarify the previously presented subject matter. Favorable reconsideration is respectfully requested.

Applicant's Response to Claim Rejections under 35 U.S.C. §102

Claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by Godec et al. (U.S. Patent No. 5,499,452).

It is the position of the Office Action that Godec discloses the invention as claimed. Godec is directed at a ball bearing retainer having ball receiving pockets 20 formed within a retainer 10. Ball seats 22 are disposed within retainer 10, while bridge materials 30 are disposed between ball receiving pockets 20. As illustrated in Figures 1-5, the bridge material 30 between the ball receiving pockets may take several different shapes. The Office Action broadly interprets the cross-sectional structure of the retainer of Godec as being corrugated. Furthermore, the Office Action interprets Godec such that the diameter of balls 40 is greater than the pitch between the bridge materials 30 and the ball receiving pockets 20.

In response, as noted above, Applicant herein amends the claims in order to clarify the structure of the belt of the present invention. In particular, Applicant incorporates the subject matter of claim 2 into claim 1. Accordingly, amended claim 1 requires that “a plurality of said peak and valley portions are formed in said metal plate member within a range of a diameter of each of said rolling member holding holes.” Applicant respectfully submits that since the subject

Amendment
Serial No. 10/773,300
Attorney Docket No. 042079

matter was previously submitted in claim 2, it does not raise new issues requiring further search or consideration.

In other words, amended claim 1 requires that, in the range of the diameter of each of the rolling member holding holes, two or more peak portions and two or more valley portions must be present. Accordingly, the belt of amended claim 1 clarifies the scale of the corrugation relative to that of the balls. Such an amendment is supported at least by page 13, lines 19-24 and Figure 4. On the other hand, the range of the ball receiving pockets 20 of Godec only includes a single valley portion and no peak portions. Accordingly, Applicant respectfully submits that Godec does not disclose or suggest the invention as recited by amended claim 1. Favorable reconsideration is respectfully requested.

Claims 1 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by Willner (U.S. Patent No. 5,044,783).

It is the position of the Office Action that Willner discloses the invention as claimed. Willner is directed at a pocket surface for a ball bearing separator. The separator is formed into two separator halves 4', with pockets being formed between them. Balls 2 are disposed in the pockets. The separator halves 4' are joined by rivets 5 between each pocket. The Office Action broadly interprets the cross-sectional structure of the separator of Willner as being corrugated.

As discussed above, Applicant herein amends claim 1 to incorporate the subject matter of present claim 2. Accordingly, Applicant respectfully submits that since the Office Action did not

Amendment
Serial No. 10/773,300
Attorney Docket No. 042079

reject claim 2 as being anticipated by Willner, Willner cannot anticipate amended claim 1, which incorporates the subject matter of claim 2. Favorable reconsideration is respectfully requested.

Claims 1 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by Hurrell (U.S. Patent No. 5,491,893).

It is the position of the Office Action that Hurrell discloses the invention as claimed. Hurrell is directed at two-row ball separator having a plurality of fingers 28 joined by bights 30. Balls 24 are disposed between the fingers 28. Each space between fingers 28 has at least one ball, and alternating spaces between fingers 28 have two balls. Figure 1B illustrates the separator as rolled out, while Figures 2 and 3 are plan and cross-sectional view of the separator in its rolled up state.

As discussed above, Applicant herein amends claim 1 to incorporate the subject matter of present claim 2. Accordingly, Applicant respectfully submits that since the Office Action did not reject claim 2 as being anticipated by Hurrell, Hurrell cannot anticipate amended claim 1, which incorporates the subject matter of claim 2. Favorable reconsideration is respectfully requested.

Allowable Subject Matter

The Office Action indicates that claims 5-8 are allowed. In view of the above comments, Applicant respectfully submits that all pending claims are in condition for allowance.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

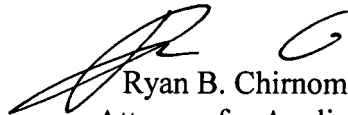
Amendment
Serial No. 10/773,300
Attorney Docket No. 042079

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'RBC', is positioned above the printed name of the attorney.

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